



Town of Weare
Conservation Commission
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Conservation Commission

Andy Fulton, Chairman
Patricia Myers, Secretary
Stephen Najjar
George Malette

CONSERVATION COMMISSION
December 10, 2008 Meeting Minutes
(Final – Approved 1/14/09)

PRESENT: Andy Fulton, Chairman; George Malette; Steve Najjar

GUESTS: Barb Beers; Earl Sanford; Art Siciliano

I. Call to Order:

Chairman Fulton called the meeting to order at 7:12 PM at the Weare Town Office Building.

II. Student Projects Discussion:

Barb Beers of John Stark Regional High School appeared before the Commission to continue discussion of potential science projects in the Town conservation areas or involving town natural resources for future student involvement. Ms. Beers stated her interest in finding and developing projects that would become an authentic way for her students to study ecology. A number of options were discussed such as trail construction from the High School to and into the Eastman Conservation Area; wildlife studies at the Eastman Conservation Area, Wood Family Forest, or Felch Farm Town Forest, etc.; and water quality studies of a portion of the Piscataquog River. Ms. Beers left with a number of options to consider and will return to the Commission to discuss specific proposals in the spring of 2009. Earliest class work at Town properties would be in the fall of 2009 / Spring 2010 school year.

III. Planning Board:

1. Art Siciliano appeared before the Commission on behalf of High Rock to address Commission concerns regarding the status of the proposed subdivision east of Daniels Lake. Mr. Siciliano indicated that Mr. Fitzgerald was eager to resume site work, that wetlands restoration has been completed to the satisfaction of the state Wetlands Bureau, and that the Commission was carbon copied on the amended restoration plan. No one on the Commission recollected seeing the amended restoration plan. Andy stated that according to the spring 2008 Code Enforcement letter laying out conditions for site work resumption, the Commission was to have been presented with the restoration plan for Commission approval, for local approval above and beyond state approval. Andy stated that the intent of the letter was not honored since no one appeared before the Commission on behalf of High Rock. Mr. Siciliano stated that he thought the inclusion of the Commission on the cc list at the end of the restoration plan letter was sufficient. The Commission members discussed the restoration options and decided to let the issue rest and not to ask for additional restoration measures, largely on the strength of the involvement of Tom Carr of Meridian Land Services with the restoration. The approved restoration strategy was primarily to allow the re-growth of existing vegetation in the affected area.

Mr. Siciliano asked for the approval of the site conservation easement in order to allow the resumption of site work. Having no plat or easement document before it, the Commission was unable to review the conservation easement. Mr. Siciliano asked whether that meant the process was held up until the Commission's next meeting. After consideration of options, the Commission replied in the affirmative. Andy stated that the Commission needs to be certain that it has the current conservation easement language and associated plat and that the aforementioned are presented to Commission members well in advance (more than one week) before the next Commission meeting. In addition, the documents would need to be reviewed by Town attorney prior to the Commission's approval.

2. The Commission discussed the status of additional unrecorded conservation easements brought to the attention of the Commission by the Land Use Coordinator at the November 24th meeting. Steve made motion and George seconded to require that every conservation easement or conservation deed to be signed by the Commission be reviewed by Town attorney for items such as appropriateness of legal description and adequacy of language and that the attorney be presented with a complete package of easement text and plat. All voted in favor. The Commissioners expressed their understanding that the general template language employed in some if not all of the backlogged easements was reviewed by Bill Dresher for the Planning Board some time ago. However, since the Baskerville subdivision, the Commissioners were not aware of any subsequent legal review on behalf of the Town and no subdivision-specific reviews.
3. The Commission considered the request of the Land Use Coordinator to approve and sign the conservation easement for the Beverly Townes subdivision on Sugar Hill Road. Andy reminded the Commission that he met with the applicant's agent (Michael Dahlberg) and the Land Use Coordinator on Friday December 5th to review the associated documents. The revisions that resulted from that meeting, including the limiting of the open space under conservation easement to that associated with the current proposed subdivision and the removal of caveat language from the end of the easement, met with the approval of the Commission.

Steve identified two major unresolved concerns with the proposed conservation easement including the issue of public access and the issue of agricultural allowances in the open space. The concern with the agricultural provisions was that any form of agriculture would be allowed in any portion of the open space. Steve pointed out that given the proposed language; the property owner could remove the entirety of the open space forest canopy and develop a gentleman's horse farm or run cattle through the large area of wetlands. The Commission discussed concerns about environmental degradation that could occur in/to the open space in the name of agriculture.

Steve made motion and Andy seconded that the Commission grant a conditional approval of the conservation easement if the term "with public access" be inserted after "open space" in the fourth paragraph of the document, if both the landowner and the Planning Board approved removal of all reference to agriculture from the document, and if favorable Town attorney legal review was attained after the implementation of the prior two conditions. The motion passed two to one with George voting in the negative.

George reiterated that it is crucial for the Commission's work that we be provided documents for approval that show changes from previous versions and that we be provided adequate time to review said documents prior to meeting.

Steve stated that he wanted Mrs. Townes to know that the issues holding up approval of the conservation easement were not with the applicant but between the Commission and the Planning Board.

IV. NHDES/Wetlands Bureau, etc. Correspondence:

1. Earl Sanford of Sanford Engineering appeared before the Commission to present a Minimum Expedited Dredge and Fill Permit on behalf of Mr. Daniels for a driveway crossing wetlands at Map 411 / Lot 191, Twin Bridge Road. The Commission reviewed the application to be sent to the State Wetlands Bureau and asked several questions of Mr. Sanford such as the status of historical resource documentation. Mr. Sanford addressed the questions to the satisfaction of the Commission. Steve made motion and George seconded that the Chair be authorized to sign the permit on behalf of the Commission thereby expediting the permit application. All voted in favor of the motion and Andy signed the permit application form.
2. November 20, 2008 DES Restoration Plan Approval – David Wilusz, 32 Route 77, 403/3.1, noted without comment
3. November 25, 2008 DES Notice of Administratively Incomplete application – Craig Francisco Standard Dredge and Fill Application, 75 Abijah Bridge Road, 107/24, noted without comment
4. November 25, 2008 DES minimum expedited application denial due to non-response within allowed time period after issuing Notice of Administratively Incomplete application – Heafield minimum impact expedited, 412/100, noted without comment
5. December 1, 2008 DES Notice of Administrative Completeness – Craig Francisco Standard Dredge and Fill Application, 75 Abijah Bridge Road, 107/24, noted without comment

V. Minutes:

George made motion and Andy seconded that the Commission approve the draft minutes of October 8th, November 19th, and November 24th. The motion passed with majority in favor and Steve abstaining.

VI. Other Items:

- Hawkes/Wilson conservation easement, closing scheduled for Friday
- NRI to be discussed in January
- Andy to inform Assessing that Rita Grauer Trust property is now Town owned and that taxes billed after property transfer should be rescinded
- Steve Najjar had already submitted Title Pro bill for payment
- November 3, 2008 USDA form was not completed
- Unrestricted Grant account bank notice, balance 729.54, CD due to rollover end of year, noted without comment
- Certified Erosion Control, Goffstown - marketing materials, noted without comment
- Brown CE purchase, closing tentatively scheduled for December 29th
- Town forest management plan discussion with Jeremy Turner, on hold pending Steve scheduling

VII. Adjournment – meeting adjourned 10:26

Respectfully submitted,

Andrew Fulton
WCC Chair